

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JUN 08 2010

DAVID J. MALAND, CLERK
BY
DEPUTY _____

CAPX REALTY, LLC,

Plaintiff,

v.

CASTLE HILLS
DEVELOPMENT CORP.,

Defendant.

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CIVIL ACTION NO. 4:09-cv-592

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 5, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Emergency Application for Temporary Restraining Order (Dkt. 35) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiff's Emergency Application for Temporary Restraining Order (Dkt. 35) is DENIED.

IT IS SO ORDERED.

SIGNED this 7th day of June, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE